GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - MA&UD Department - Allegations for allowing unauthorized constructions of 4 buildings and violation of building rules by certain builders as well as concerned officials of Tenali Municipality - Disciplinary action initiated against Sri B. Janardhana Rao, the then Municipal Commissioner (now Retired), Tenali Municipality, Guntur District – Charges framed - Inquiry conducted – Imposing a penalty of "withholding of 3% pension for a period of 3 (Three) years"– Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.415 **Dated.16.05.2024.**

Read the following:

1. From the DG., G.A. (V&E) Dept. V.R.No.56 (2882/V&E/D1/2006), dated.30.04.2007.
2. G.O.Rt.No.189, MA&UD (E1) Department, dt.01.03.2008.
3. G.O.Rt.No.341, MA&UD (E1) Department, dt.01.03.2008.
4. G.O.Rt.No.544, MA&UD(VIG.II) Dept., dt.03.09.2019.
5. Inquiry Report of the Inquiry Officer, vide Lr. Roc.No.9670/2007/V.Cell, dt.28.07.2021 of DTCP.
6. Govt.Memo.No.18528/VIG.II/2007, dt.28.09.2021.
7. Written representation of Sri B. Janardhana Rao, the then Municipal Commissioner (now Retired), dt.22.05.2022.
8. Govt.Memo.No.18528/Vig.II/2007/A2(E-348723),dt.22.12.2022.
9. Explanation of Sri B. Janardhana Rao, the then Municipal Commissioner (now Retired), dt.06.03.2023.
10. G.O.MS.No.124, GA (SER.A) Dept., dt.04.12.2023.

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O R D E R:

Whereas based on the Report of G.A. (V&E) Department, in the reference 1st read above, on the allegations of unauthorized construction of four (4) buildings in Tenali Town, Guntur District for violating buildings rules and their negligence / connivance in discharging their duties and not adhering to the instructions issued in G.O.Ms.No.423, MA & UD Dept., dt.31.07.1998, Government initiated disciplinary action against Sri B. Janardhana Rao, the then Municipal Commissioner (now Retired), Tenali Municipality vide references 2nd and 3rd read above.

2. In the reference 4th read above, after following due procedure, Govt. appointed Smt. K.Himabindu, Deputy Director, APCRDA, Vijayawada, as an Inquiry Officer and the Town Planning Officer, Tenali Municipality as Presenting Officer to inquire into the charges framed against Sri B. Janardhana Rao, the then Municipal Commissioner (now retired) and others of Tenali Municipality

3. The Inquiry Authority conducted inquiry into the charges framed against the charged officer and submitted her report, vide reference 5th read above and among others, stated that all the (3) Charges framed against Sri B. Janardhana Rao, the then Municipal Commissioner (now Retired), Tenali Municipality were held proved.

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4. Government accepted the findings of the Inquiry Officer and in the reference 6th read above, a copy of inquiry report was communicated to the charged officer Sri B. Janardhana Rao, the then Municipal Commissioner (now Retired), Tenali Municipality, with a direction to submit his written representation, if any, on the findings of the Inquiry Officer in terms of Rule 21 (2) of APCS (CCA) Rules, 1991. The charged officer submitted his written representation, vide reference 7th read above. He stated that, in respect of unauthorized constructions, he has given equal importance to issue orders for collection of penal amounts, filing of cases in court of law and demolition of structures constructed in deviation of sanctioned plans and finally requested to drop further action against him.

5. Government have examined the written representation submitted by the charged officer; keeping in view of the findings of the Inquiry Officer and observed that filing of criminal case and collection of penalty does not regularize the building and he was not able to demolish the deviations, and allowed the builder for use conversion and failed to discharge his duties. The Municipal Commissioner, being an Executive Authority shall take stringent action against deviations made by the building owners/ builders as per rules in force. But, he failed to do so. As such the written representation of the charged officer is not convincing.

6. Government after careful examination of the matter; provisionally decided to impose a penalty of "withholding of 3% pension for a period of 3 (Three) years" against Sri B. Janardhana Rao, the then Municipal Commissioner (now Retired), Tenali Municipality, in terms of Rule-9 of AP Revised Pension Rules, 1980 and issued a show cause notice, calling for explanation as to why the said penalty shall not be imposed on him under Rule 9 of A.P. Revised Pension Rules, 1980, vide reference 8th read above. In reply, the delinquent officer has submitted written explanation and requested to drop further action against him, vide reference 9th read above.

7. Government have examined the written explanation of the delinquent officer; and found that there are no new grounds put forth by him in his explanation to the Show Cause Notice to reconsider the punishment proposed against him. The explanation is nothing but reiteration of deposition before the Inquiring Authority and Written representation on the findings of Inquiry Authority.

8. Government after careful consideration of the matter, have decided to confirm the provisional decision to impose a penalty of "withholding of 3% pension for a period of 3 (Three) years" against Sri B. Janardhana Rao, the then Municipal Commissioner (now Retired), Tenali Municipality., as he failed to take stringent action against deviations made by the building owner/ builder as per rules in force.

9. Accordingly, Government hereby impose a penalty of "withholding of 3% pension for a period of 3 (Three) years" against Sri B. Janardhana Rao, the then Municipal Commissioner (now Retired), Tenali Municipality, under Rule-9 of A.P. Revised Pension Rules, 1980.

10. The Commissioner & Director of Municipal Administration, A.P., Mangalagiri, shall take necessary further action in the matter accordingly.

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11. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y. SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri B. Janardhana Rao, the then MC (now retired), Tenali Municipality
- **through** the C&DMA., A.P., Mangalagiri.
The Commissioner & Director of Municipal Administration, A.P., Mangalagiri

Copy to:

The Director General, G.A. (V&E) Department, A.P., Vijayawada.
The Secretary to A.P. Vigilance Commission, A.P. Secretariat, Velagapudi.
The Principal Accountant General (A&E), A.P.,
27, MG Rd, Governor Peta, Vijayawada.
The Pay and Accounts Officer, A.P.
Plot.No.11, KJ Systems Building, Near APIIC IT Park, Mangalagiri.
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER.